

REMARKS

Claims 1 – 22 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

Claims 8 and 14 stand objected to 37 CFR 1.57(c), as being of improper dependent form for failing to further limit the subject-matter of a previous claim. This objection is respectfully traversed.

Claims 8 and 14 depend from claims 7 and 13, respectively, each of which provides a support element that is supported on the stanchion base and that has a height along a z axis. Claims 8 and 14 each provide that the support element is movable along the z axis to adjust the height. Applicants respectfully note that claims 8 and 14 further limit the subject-matter by providing that the height is adjustable along the z axis. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner has specifically asked what the relationship is between the permanent magnet of claim 5 and the magnets of claim 1.

Applicants note that claim 5 has been amended herein to provide that the magnets of the stanchion base comprise a permanent magnet. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 – 17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Shen et al. (U.S. Pat. No. 6,644,637). In view of the comments and amendments herein, this rejection is respectfully traversed.

Applicants note that each of claims 1, 7 and 13 each include a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes. Shen fails to teach or suggest a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes.

Applicants respectfully note that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (see MPEP §2131). As discussed in further detail below, Shen fails to anticipate each and every element as set forth in claims 1, 7 and 13.

Shen discloses a reconfigurable work-holding fixture 12 that supports a workpiece 10. The fixture 12 includes locator posts 22 that are clamped to a guide rail 20. Actuated clamping elements 24 and support elements 26 are selectively attachable to the fixture 12. The locator posts 22 include pins 23 that are shaped and positioned to support the workpiece 10 (see Col. 4, Lines 45 – 48). The locator posts 22 do not

define a position of the modular stanchions along x and y axes. More specifically, the locator posts 22 function in hand with the clamping elements 24 and the support elements 26 to support the workpiece 10. Therefore, Shen fails to teach or suggest a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes. Accordingly, Shen fails to anticipate each and every element of claims 1, 7 and 13, and reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 2 – 6, 8 – 12 and 14 – 17, Applicants note that each ultimately depends from one of claims 1, 7 and 13, which define over the prior art, as discussed in detail above. Therefore, claims 2 – 6, 8 – 12 and 14 – 17 also define over the prior art for at least the reasons stated with respect to claims 1, 7 and 13, and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1 – 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sotonyi (U.S. Pat. No. 3,624,799). In view of the comments and amendments herein, this rejection is respectfully traversed.

As discussed in detail above, each of claims 1, 7 and 13 include a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes. Sotonyi fails to teach or suggest a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes.

As noted above, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Id.* As discussed in further detail below, Sotonyi fails to anticipate each and every element as set forth in claims 1, 7 and 13.

Sotonyi discloses a device for detachably fastening glass frames to a work table. A retaining bar 6 is provided and is adjustable along a single axis (arrow 7). The glass frame or workpiece 1 is placed on the table and a position of the workpiece 1 is limited by the retaining bar 6. A marking device 5 includes rectangles to center or decenter the workpiece 1 (Col. 2, Lines 15 – 21, Figure 1). Blocks 9 retain the workpiece 1 and the locations of the blocks 9 are defined by the workpiece 1 itself. In other words, the workpiece 1 is placed on the table 3 and the blocks 9 are assembled onto the table 3 afterward to retain the workpiece 1 in position.

Sotonyi functions opposite to the present invention as claimed. More specifically, the retention components or modular stanchions of the present invention are placed onto the base using the pre-form to define their respective x-y locations. The workpiece is then supported on the positioned stanchions. Sotonyi provides that the workpiece is first centered or decentered using the marking device and then the retaining bar and the magnet blocks are mounted about the perimeter of the workpiece to retain the workpiece in the desired position.

Although the Examiner has noted that “there is nothing that precludes applying the retaining bar of Sotonyi (3,624,799) first, before laying down the workpiece, thus defining a pre-form defining a position of stanchions”, the fact is that Sotonyi does not teach or suggest using the retaining bar in this manner. In view of the limited teachings of Sotonyi, one could only suggest that “there is nothing that precludes applying the retaining bar” as a pre-form by applying the teachings of the present invention (i.e., impermissible hindsight). Further, Sotonyi teaches away from using the retention bar as a pre-form because Sotonyi specifically provides that the marking device is used center or decenter the workpiece.

In view of the foregoing, reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 4, 5, 10, 11 and 16, Applicants note that each ultimately depends from one of claims 1, 7 and 13, which define over the prior art, as discussed in detail above. Therefore, claims 4, 5, 10, 11 and 16 also define over the prior art for at least the reasons stated with respect to claims 1, 7 and 13, and reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 18 – 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over either Shen et al. (U.S. Pat. No. 6,644,637) or Sotonyi (U.S. Pat. No. 3,624,799). This rejection is respectfully traversed.

Although the Examiner has noted that claims 18 – 22 stand rejected under "35 U.S.C. §102(a) or §102(b), as indicated above", Applicants note that claims 18 – 22 were not rejected under either 35 U.S.C. §102(a) or §102(b). Only claims 1 – 17 stand rejected under 35 U.S.C. §102(a) and §102(b).

Applicants note that claim 18 includes a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes. As discussed in detail above, neither Shen et al. nor Sotonyi teach or suggest a pre-form that is selectively attached to the pallet base to define a position of the modular stanchions along the x and y axes. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 19 – 22, Applicants note that each ultimately depends from claim 18, which defines over the prior art, as discussed in detail above. Therefore,

claims 19 – 22 also define over the prior art for at least the reasons stated with respect to claim 18, and reconsideration and withdrawal of the rejections are respectfully requested.

OTHER CLAIM AMENDMENTS

Claims 2 – 6, 8 – 12 and 14 – 17 have been amended herein to conform to the previously amended language of claims 1, 7 and 13. More specifically, claims 2 – 6, 8 – 12 and 14 – 17 have been amended to provide a pallet system. No new matter has been entered.

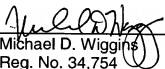
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: _____


Michael D. Wiggins
Reg. No. 34,754

GENERAL MOTORS CORPORATION
Legal Staff
Mail Code 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000